

ORIGINAL

(Rev. 5/05)

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

(1) MICHAEL D. GLENN 252605
(Name of Plaintiff) (Inmate Number)

P.O. Box 9561, Wilm., DE 19809
(Complete Address with zip code)

(2) _____
(Name of Plaintiff) (Inmate Number)

(Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

(1) CORRECTIONAL MEDICAL SYSTEMS (CMS)

(2) _____

(3) _____
(Names of Defendants)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

06 420

(Case Number)

(to be assigned by U.S. District Court)

CIVIL COMPLAINT

• • Jury Trial Requested

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DISTRICT OF DELAWARE

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I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N/A

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? • Yes • • No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? • Yes • • No

C. If your answer to "B" is Yes:

1. What steps did you take? I FILED A MEDICAL GRIEVANCE SPECIFICALLY DESIGNED FOR MEDICAL COMPLAINTS.
2. What was the result? THE GRIEVANCE HAS WENT IGNORED FOR MONTHS, HINDERING ANY OTHER REMEDY.

D. If your answer to "B" is No, explain why not: N/A

III. DEFENDANTS (in order listed on the caption)

(1) Name of first defendant: CORRECTIONAL MEDICAL SERVICES (CMS)

Employed as HEALTH CARE PROVIDER at H.R.Y.C.I.

Mailing address with zip code: 12647 OLIVE BLVD.
ST. LOUIS, MO 63141

(2) Name of second defendant: _____

Employed as _____ at _____

Mailing address with zip code: _____

(3) Name of third defendant: _____

Employed as _____ at _____

Mailing address with zip code: _____

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. SEE ATTACHED.

2. SEE ATTACHED.

3. SEE ATTACHED.

V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. I'M REQUESTING EXTENSIVE MONETARY
AWARDS FOR PUNITIVE DAMAGES,
DELIBERATE INDIFFERENCE, CRUEL AND
UNUSUAL PUNISHMENT AND UNDU
PHYSICAL HARDSHIP.

STATEMENT OF FACTS

1. Circa August of 2004, the Plaintiff first began complaining about a bad fungal infection on both of his feet. The initial infection led to an infected ingrown toenail, which had to be surgically removed in the East Side Medical Department by Miss Diane Hernandez.
2. The fungal infection was so bad that the Plaintiff had to receive an antibiotic ("Keflex") before the surgical procedure could be convened.
3. The Plaintiff was taken into an *ad hoc* surgery inside of a non-sterile "exam room" of Howard R Young Correctional Institution's "East Side Medical Department."
4. As an adjunct to the awful condition of the fungal infection on his foot, the Plaintiff had to quit his inmate work position on 2 occasions at least, due to the insurmountable pain and infectious pus leaking from his feet.
5. In complaints lodged about his condition, the Plaintiff submitted "Sick-Call" requests to both, his supervising counselor in the prison's Inmate Worker's Program, and the Medical Department in the prison. Not knowing what the cause and nature of his injury was, the Plaintiff initially complained about his foot (twice), then was sick to the point that he believed he had high blood pressure and/ or diabetes.¹
6. On all of the occasions that the Plaintiff submitted "Sick-Call" requests only the Inmate Work Counselor in the prison saw fit to remove him from his job position due to the ailment. The Medical Department never entertained any of the Plaintiff's complaints, with the exception of the actual "surgery."
7. After the Plaintiff had the infected ingrown toenail removed from his left "big toe," he still had a substantial infectious fungus growing now on both of his feet. After submitting a "Sick-Call" slip and being seen briefly by a nurse, he was given "Anti-Fungal" cream, which is a topical solution used to thwart Athlete's Foot.
8. Plaintiff applied the "Anti-Fungal" cream as directed, and noticed that there was no change in his condition. In fact, the cream seemed to make his condition worse, and the infection was spreading clean down both of his feet.
9. Eventually, the pain became unbearable and the Plaintiff attempted, yet again, to rely on the offered medical services by CMS. Once again, a nurse determined that the infection was no more than a "really bad case of Athlete's Foot," even though the Plaintiff said that he believed that it was a "flesh eating infection that has spread from between all of his toes on both feet, down to the soles of both of his feet." Yet, and still, the CMS nurse prescribed the topical "Anti-Fungal" cream which had already had been proven not to work.
10. Several months later, the Plaintiff – still in much pain, and suffering from other associated sicknesses resulting from the infection obviously moving through his bloodstream – placed another "Sick-Call" slip into the Medical Department (CMS), stating that "something was seriously wrong" with him. After 3 months of waiting to be seen, the Plaintiff was finally called into to see a Doctor for CMS. Upon examining the Plaintiff, the Doctor found that his "sickness" had subsided by that point; however, he examined the Plaintiff's infectious right foot, and found that there was an infection inside of the bloodstream. The Doctor was informed by the Plaintiff that the topical "Anti-Fungal" creams he'd been getting over and over did not work; and the Doctor prescribed

¹ The Plaintiff now understands that the infection had spread into his blood stream over 2 years ago, and the adverse physical effects and subsequent illnesses are the direct and proximate result of the infection in the bloodstream.

one dosage of an antibiotic commonly used for women called “Diflucan,” along with more “Anti-Fungal” cream.

11. After taking the “Diflucan” and trying the “Anti-Fungal” cream again, **nothing happened**, and the Plaintiff’s infectious feet got worse. To date, he has problems walking, due to the pain of cracked skin caused by the infection, as well as pustules, and constant bleeding. The infection continues to grow worse and worse by the day.
12. The Plaintiff filed a “Medical Grievance” to achieve “competent and effective medical care” for his “flesh eating fungal infection” on his feet; however, CMS has deliberately acted indifferent towards him by ignoring his medical needs. Additionally, CMS was told on numerous occasions (as mentioned above) that the Plaintiff’s infection went beyond “Athlete’s Foot,” and that the infection appeared to be a flesh-eating virus in his blood stream, which could not be cured by topical “Anti-Fungal” creams. Instead of acting in the course of competent medical ethics, CMS treated the Plaintiff as a second-rate and/ or non-class person, causing a manifest cause of action for deliberate indifference that amounted to cruel and unusual punishment, undue physical hardship, and medical malpractice.
13. CMS still refuses to treat the Plaintiff or answer his grievance.
14. Plaintiff is requesting damages as outlined in the “Relief” section of the instant complaint.

2. _____

3. _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 1st day of July, 2006.



(Signature of Plaintiff 1)

(Signature of Plaintiff 2)

(Signature of Plaintiff 3)

M. GLENN
250605
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MILW. DE 19808

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U.S. DISTRICT COURT
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MILW. DE 19801

U.S.M.S.
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